



Docket No.: PAT032783-US-NP

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Martha Martin
Type or print name

Martha Martin
Signature

July 26, 2010
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

CARNEY, ET AL

APPLICATION NO: 10/722,256

FILED: NOVEMBER 25, 2003

FOR: MEDICAL DEVICES HAVING ANTIMICROBIAL COATINGS THEREON

EXAMINER:

WEBB, WALTER E

ART UNIT: 1612

Commissioner for Patents
Alexandria, Virginia 22313-1450

STATEMENT REGARDING SEQUENCE LISTING SUBMISSION

Sir:

An Office communication concerning this application dated June 25, 2010 indicated that this application fails to comply with the requirements of 37 C.F.R. 1.821-1.825. To comply with the requirements, the paper copy of the Sequence Listing and the computer readable form (CRF) of the Sequence Listing on compact disc submitted herewith in the above-captioned application are the same and no new matter is added. The Notice to Comply is attached with this submission. Applicants believe this response is filed in time in view of July 25 is Sunday.

Respectfully submitted,

Sheng-Hsin Hu
Reg. No. 50,328
678-415-3171

CIBA VISION Corporation
Patent Department
11460 Johns Creek Parkway
Duluth, GA 30097
July 26, 2010



Notice to Comply

Application No. 10722256	Applicant(s) CARNEY ET AL.
Examiner WALTER E. WEBB	Art Unit 1612

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set by the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: The specification, at least page 11 lines 5-25, and claims 16 and 17 contain sequences which require the respective SEQ ID NO: identifier next to each sequence. Where the description or claims of a patent application discuss a sequence that is set forth in the "Sequence Listing" in accordance with paragraph (c) of this section, reference must be made to the sequence by use of the sequence identifier, preceded by "SEQ ID NO:" in the text of the description or claims, even if the sequence is also embedded in the text of the description or claims of the patent application. Please confirm that all peptides having more than 4 amino acids have sequence identifiers and are included in the sequence listing.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing".
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0731 or (571) 272-0951
- For CRF Submission Help, call (571) 272-2510
- PatentIn Software Program Support
- Technical Assistance 1-866-217-9197 or 703-305-3028 or 571-272-6845
- PatentIn Software is Available At www.USPTO.gov


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

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